IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.998 OF 2007

Ashok Himmatlal Parekh. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.S.V.Marwadi, Adv. for the Applicant.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 4th May, 2007.

P.C.:

. Leave to amend. Amendment to be carried out forthwith.

2. Heard the learned Advocate for the Applicant and the learned APP for the State.

3. The applicant is seeking bail in C.R.No.I-101 of 2006 of Wagle Estate Police Station, Thane. The said case is mainly under Sections 420, 467 of IPC.

4. Mr.Marwadi, states that he is not pressing this application for regular bail, but, he is pressing this application only for temporary bail

on medical ground. He seeks liberty to file separate application for regular bail at a later stage. Liberty as prayed for is granted.

5. The applicant has been in custody since 3.4.2006. The applicant is suffering from heart-problem. He has two blocks in his heart. While the applicant was in jail custody, he was referred to J.J.Hospital and angiography as well as angioplasty have been performed. However, even thereafter the applicant is suffering from heart-problem and now the applicant requires by-pass surgery.

5. In this view of the matter, in order to enable the applicant to take necessary medical treatment, I am inclined to grant temporary bail to the applicant for a period of five weeks from the date of his release.

6. The applicant - Ashok Himmatlal Parekh to be released on bail of Rs.50,000/- with one or two sureties in the like amount or on depositing cash bail of Rs.50,000/-. The said cash of Rs.50,000/- is to be deposited with the Investigating Officer.

Before release, the applicant shall inform the Investigating Officer the Hospital where he is to be operated. It is made clear that, the applicant shall not go outside the jurisdiction of Mumbai and Thane. On completion of five weeks from the release of the applicant from jail, he shall surrender back to jail. On the applicant surrendering back to jail, the Investigating Officer shall return the cash amount of Rs.50,000/- back to the applicant. The applicant is granted liberty to prefer a separate application for regular bail.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)